

**N Y L P I**

**JUSTICE THROUGH  
COMMUNITY POWER**

**Comments of Rachel Spector, Director of the Environmental Justice Program,  
New York Lawyers for the Public Interest  
before the New York City Council Committee on Environmental Protection  
February 11, 2019 regarding Intro 1318**

Thank you, Chair Constantinides and members of the Committee. My name is Rachel Spector and I am the Director of the Environmental Justice Program at New York Lawyers for the Public Interest. For over two decades, our program has worked to address disproportionate environmental harms in New York City's low income communities and communities of color. In the early 2000s, we represented the Sunset Park community group UPROSE in a challenge to the siting of new gas-fired peaker plants that were disproportionately located in communities of color.

If we want to avoid catastrophic climate change and meet the City's 80 by 50 goals – and more recently, the Governor's goal to make all New York electricity generation greenhouse-gas neutral by 2040 – then we must start thinking about how to transition away from power plants that burn fossil fuels. It is smart to start now with a study of how we can replace the City's power plants with renewable energy sources and storage, as Intro 1318 requires, and to come up with a plan to do so.

Power plants emit not just carbon dioxide, but a host of co-pollutants that are harmful to the health of residents who live in their shadows. Most of New York City's fossil fuel power plants are located in communities of color and historically working-class waterfront neighborhoods. Some are located adjacent to large public housing developments. Natural gas power plants (and those that use more polluting fuels, which should also be included in the study mandated by Intro 1318) emit nitrogen oxides, a potent precursor to ozone and smog, and particulate matter, which leads to asthma, respiratory conditions, and heart disease.

The study mandated by Intro 1318 should also examine public health benefits from replacing power plants, and pay particular attention to taking peaker plants offline on a faster timeline. There are 16 peaker plants in New York City, mostly located in environmental justice communities. These plants fire up when electricity demand is higher than what baseload power plants can supply. Often this is in the midst of the hottest summer days, when air conditioners are blasting around the city and when air

quality is already extremely poor. Due to their intermittent nature, under-regulation, and technology that allows them to fire up quickly, New York City's peaker plants are far more polluting. The New York Public Service Commission estimates that New York City area peakers emit twice as much carbon dioxide per unit of electricity than regular power plants, and twenty times as much nitrogen oxides.

The good news is that battery storage can eliminate the need for peaker plants, since stored energy can be deployed when electricity demand peaks. Using storage to take downstate peaker plants offline is contemplated by NYSERDA's energy storage roadmap. Studies have shown that energy storage is now an affordable and feasible alternative to peaker plants, and can have additional benefits like job creation and community resiliency.

Intro 1318 is an important step in planning for a transition to a renewable energy economy here in New York City. We urge that the bill add additional measures to be studied, including public health, equity, economic development and resiliency benefits of a transition to renewables and storage, and a focus on replacing peaker plants on a faster timeline. We look forward to working with the Council further on this effort.

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